

REMARKS

Claims 1-13 remain pending in the present application. No new matter has been added.

103 Rejections

The present Office Action indicates that Claims 1 – 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Brock et al. (US Patent No. 6,836,849) in view of Zimmer et al (US Patent No. 7,051,215). Applicants respectfully assert that the present invention as recited in Claims 1 – 13 is neither shown nor suggested by the references, alone or together in combination.

The present Office Action alleges the Brock et al. reference inherently discloses a communication link for communicatively coupling the rack equipment and the plurality of management components. Anticipation by inherent disclosure is appropriate only when the references disclose prior art that must necessarily include the unstated limitation. *Transclean Corp. v. Bridgewood Services Inc.*, 290 F.3d 1364, 1373, 62 USPQ2d 1865 (Fed Cir. 2002). Appellants respectfully assert that the possibility or even probability is not enough. *Motorola, Inc. v. Interdigital Technology Corp.* 930 F. Supp. 952, 970 (D. Del. 1996). To the extent the Brock et al. reference may mention a

controller receives parameters [Col. 6 line 59 – Col 7 line 7], Applicants respectfully assert the Brock et al reference does not necessarily teach a communication link for communicatively coupling the rack equipment and the plurality of management components. Applicants respectfully assert the Brock et al. reference can receive the information from something other than a communication link coupling the rack equipment. For example, the parameters could be received in the Brock et al. reference without going through a communication link communicatively coupled to a plurality of management components.

Applicants respectfully assert that the Zimmer et al. reference does not overcome these and other shortcomings of the Brock et al. reference. To the extent the Zimmer et al. reference may mention a power arbiter [Figure 6], Applicants respectfully assert the Zimmer et al. reference does not teach a management control center receives equipment rack policy related information from information processing clients. In addition, to the extent the Zimmer et al. reference may show or mention a single power arbiter 600 [Figure 6, Col. 10 lines 39 - 59], Applicants respectfully assert the Zimmer et al. reference teaches away from the present claimed management control center communicatively coupled to a plurality of management components. Applicants respectfully assert that one of ordinary skill in the art would not

find a motivation or suggestion to combine the teaching away reference of Zimmer.

Regarding Independent Claim 8, Applicants have amended Independent Claim 8 herein. Applicants respectfully submit that Independent Claim 8 includes the currently amended feature:

... receiving information related to a rack equipment management plan at a management control center via a communication link coupled to rack equipment, wherein said management control center receives equipment rack policy related information from information processing clients

Applicants respectfully assert the Brock et al. reference does not teach receiving information related to a rack equipment management plan at a management control center via a communication link coupled to rack equipment. Applicants respectfully assert that the Zimmer et al. reference does not teach the management control center receives equipment rack policy related information from information processing clients.

With respect to Claims 2-7, Applicants respectfully state that Claims 2-7 depend from the allowable Independent Claim 1 and recite further features of the present claimed invention. Therefore, Applicants respectfully assert that Claims 2-7 are allowable as depending from allowable base Claim 1.

With respect to Claims 9-13, Applicants respectfully point out that Claims 9-13 depend from the allowable Independent Claim 8 and recite further features of the present claimed invention. Therefore, Applicants respectfully assert that Claims 2-7 and 9-13 are allowable as depending from allowable base Claim 8.


CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-13 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact David A. Plettner at (408) 447-3013 if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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